(27)

G. R. S. App. F. IX-4]

Previous References.

194 | -
(Legis.)

File No. 53-41

Serial Nos. One

Later References.

RESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only

Part B for September 1942.

SUBJECT

Mysore Motor Vehicles (Drivers) Emergency Act, 1942.

To The Compiler, Mysore Gazette, Bangalore.

R.L. No. 2393 Legis. 53-41-1 Dated 5th May 1942

Directs the publication of the Act in the Gazette.

8/1/42.

The Motor Vehicles (Drivers) Ordinance, 194

General and Revenue Secretariat
R. A. & L. C.

File No. 795/RL of 194 App. F. III-2

Serial No.

From
The Secretary to the Hon'ble the Resident in Mysore
letter No. F. 32-42/W dated 19th Feb 1942
Invites the attention of the Govt. to the promulgation
of the Motor Vehicles (Drivers) Ordinance 1942
by the Govt. of India, in the Gazette of India,
Extra-ordinary, dated the 27th Jan 1942.
Submitted

(1) A copy of the Gazette of India,
Extra-ordinary, dated 27th Jan 1942 publishing
the Ordinance referred to above is put up for
perusal for orders whether any legislation
on similar lines is necessary here also.

24-2-42

BVN
24/2

Please submit to the Secy, R. A. & L. C. who (2) is in charge of Legislation.
MRell
25/2

A draft notification is put up for consideration

25.2.42

BVN
25/2

(3) This may, in the first instance be sent to the administrative Section to obtain orders if there is a need for a similar legislation in the State and if so to indicate the lines on which the Bill should be drafted.

BVKR
26.2.42

Law Secy)

Asst Secy
War Section

26/2/42
BVKR
27.2.42

SECRETARIAT DEPT. 1753 GOVT OF MYSORE

NOTE—Contn. Sheet.

The Motor Vehicles (Drivers) Ordinance

File No.. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

OFFICE OF THE MINISTER FOR LAW
FEB 28 1942
No. 8620

(5) The Asst Secy has merely invited reference to the Ordinance. Perhaps the I.G.P. may be consulted up as to the need for such a legislation in this State at present.

(6) The I.G.P. May be Consulted & have an another Connection Called for the Disposal of the I.G.P. in the matter of Securing the Services of Taxi drivers for A.R.P. work.

Chief Secy)

(7)

Law Secy

(8)

(9) Forwarded with compliments to the I.G. of Police for favour of remarks.

U.O. No. 19/W Dy 3 3/42

For Chief Secy to Govt

(10) Returned with compliments -

U/O. No. C.C. 124/41-42

In view of the probable requirements of the A.R.P. and Police in Bangalore and Mysore Cities, and possibly elsewhere in the State, and of the probability of large

1253/W. The Motor Vehicles (Drivers) Ordinance 3

General and Revenue Secretariat | File No. 946/M of 194 | [App. F. III—2

Serial No.

MAR 9 1942

large scale requisitions by the Southern Command for Motor Transport vehicles and drivers, at short notice, (vide attached copy of H.Q. Madras District Most Secret letter No.9036/x/Q.1 dated 26-2-42) I consider that the Mysore Government should issue both a Mysore Motor Vehicles (Drivers) Emergency Act, and a notification on the lines of the Madras Government Notification (vide Press Note of 24-2-42 below) regarding the addresses of owners and intimation of the movements of motor vehicles.

March 4, 1942. Inspector-General of Police.

11) Yes.

9/3

Law Secretary

12) Yes

8/3

9/3

13) The file will now be sent to the Legis Section (With reference to para 3 supra) for issuing an Emergency Act and Notification on the lines of the Madras Govt Notification.

Yes

10/3

Legis Section)

Mr D.V.

10/3

NOTE—Contn. Sheet.

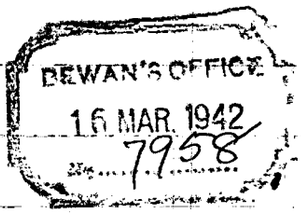
10.3.42

WD 04155—GPB—55,000—23-10-41

The Motor Vehicles (Drivers) Ordinance

File No. 8961 R2 of 194 | General and Revenue Secretariat.

Serial No.



Submitted

14) A draft of an Emergency Act is put up for consideration

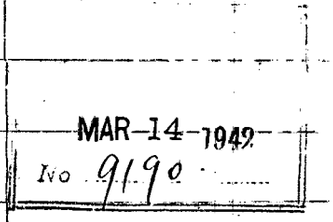
15 BKR 12.3.42

20. 12.3.42

Law Secy)

16 May be approved

Minister for Law.) Hm 2 13.3.42



BKR 13.3.42

17 [illegible] 14/3

18) This is a Council matter and may be disposed of by circulation

Dewan) Hm 2 16/3/42

BKR 16.3.42

19 May be circulated and H.H.'s approval obtained to the issue of the Emergency Act as soon as the necessity arises

RLM 17/3/42

Submitted with a circulation memo Rs 19/3/42 Syed 19/3

20 For favour of circulation

Chief Secy M/c) Hm 2 18/3/42

BKR 18.3.42

For Disposal by Circulation. **No. C. 819**

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The Mysore Motor Vehicles (Drivers) Emergency Act 1942.

Circulated to the Council of Ministers.

By Order,

M. S. [illegible]
19/3

19th March 1942. *Chief Secretary to Government.*

5720 / 20.3.42 **Minister for Finance and Revenue.** 21 Ill 213

Minister for Law. (Seen)

5050 / 23.3.42 **Minister for Education.** 22 23-3-42

5824 / 23.3.42 **Minister for Local Self-Government and Public Health.** 23 24.3.42

Law Secy. W/C.
for immediate action.

24/3

Mr J.V.

24 Please put up a draft

Hm 24.3.42

The Motor Vehicles Drivers Ordinance, 194

6

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 App F III-2

795 | RL.

Serial No.

R[illegible]
8450
GEOY. L[illegible] DEPT
25-25
[illegible] MYSORE

D.F.N. is submitted for approval

27.3.42

Law Secy)

D.F.N. submitted

Minister) Hm 2 27/3/42

for Law.)

28 BXR

F.N. Signed by Minister 28/3

MAR 28 1949
9851.

(BS 29/3

S.N. submitted

Dewan) Hm 2 30/3/42

NOTE—Contn. Sheet.

File N

of 194

General and Revenue
Secretariat
R. A. & L. C.

Serial
No.

D.F.N.

Subject: The Motor Vehicles (Drivers) Emergency Act, 1942.

HF 476 / 31.3.42

By an Ordinance promulgated on 27th January 1942, viz., the Motor Vehicles (Drivers) Ordinance, 1942, the Government of India, ~~in view of the emergency that has arisen,~~ have made provisions for requisitioning ~~on behalf of Government,~~ of the services of persons capable of driving motor vehicles. This Ordinance ~~extends to the whole of British India and empowers all Provincial Governments~~ to take power to require persons capable of driving motor vehicles to place themselves and their services at the disposal of such Governments. The Ordinance provides for the register of motor vehicles drivers by all the licensing authorities and empowers officers authorised by Provincial Governments to requisition their services by an order in writing delivered to any person whose name is enrolled in the register. In respect of such employment it is made an offence for any person to disobey the order lawfully issued by an officer empowered in this behalf. The penalty prescribed is fine or imprisonment which may extend to six months or with both.

~~Regarding~~ the need for a similar legislation in Mysore has been examined, ~~also, the Inspector-General of Police was consulted, and he is of opinion that,~~ in view of the probable requirements of the A.R.P. and Police in ~~Bangalore and Mysore Cities~~ the State and the possibili

of large scale requisitions by the Southern Command for motor transport vehicles and drivers at short notice, ~~an~~ the promulgation of an emergency Act in Mysore similar to the Ordinance issued by the Government of India, is ~~very desirable.~~ necessary

A draft Bill is ~~now~~ prepared on the lines of the British Indian Ordinance ~~and~~ It is proposed to issue it ~~as soon as the necessity arises,~~ as an emergency Act in the first instance and should circumstances render the continuance of the measure necessary, to introduce it thereafter in the Representative Assembly and the Legislative Council.

The Dewan and other Ministers are agreeable to these proposals ~~and~~ I solicit the gracious sanction of His Highness the Maharaja to them.

28/3

Minister for Law.

BKM
27.3.42

Final Note by the Minister for Law.

Subject.—

The Motor Vehicles (Drivers) Emergency Act, 1942.

30 By an Ordinance promulgated on 27th January 1942, viz., The Motor Vehicles (Drivers) Ordinance, 1942, the Government of India have made provision for requisitioning of the services of persons capable of driving motor vehicles. This Ordinance takes power to require persons capable of driving motor vehicles to place themselves and their services at the disposal of such Governments.

31 The need for similar legislation in Mysore has been examined. In view of the probable recuirements of the A.R.P. and Police in the State and the possibility of large scale requisitione by the Southern Command for motor transport vehicles and drivers at short notice, the promulgation of an emergency Act in Mysore similar to the Ordinance issued by the Government of India, is necessary.

32 A draft Bill is prepared on the lines of the British Indian Ordinance. It is proposed to issue it as an emergency Act in the first instance and, should circumstances render the continuance of the measure necessary, to introduce it thereafter in the Representative Assembly and the Legislative Council.

33 The Dewan and other Ministers are agreeable to these proposals. I solicit the gracious sanction of His Highness the Maharaja to them.

Bangalore,
29th March, 1942.

MINISTER FOR LAW.

Submitted to His Highness.

34 *I submit herewith a Final Note by the Minister*

for Law *on the subject of*

the Motor Vehicles (Drivers) Emergency Act, 1942

for His Highness's gracious ~~approval~~ sanction.

Dewan.

Bangalore,
30th March 1942.

31/3/42

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Motor Vehicles (Drivers) Emergency Act, 1942.

Order.

35 — JRW. 4/4/'42.

No. 776.

36 Advt. [illegible] 16/4/42

16/4

General and Revenue

Secretariat.

C 819

SUBJECT:—

Motor Vehicles (Drivers) Emergency Act, 1942.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or ndications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

M. S. 16/4

Chief Secretary to Government.

Through the Secretary to Government,

...Law.....Department. Hm 17.4.42

37

6347 / 22.4.42 — Minister for Finance and Revenue. RVC 23.4

38

10826 / 17.4 — Minister for Law. 17/4

39

5535 / 20.4.42 — Minister for Education. 21.4.42

40

6558 / 21.4.42 — Minister for Local Self-Govt. and Public Health. 21.4.42

Law Secy. w/c

K 23/4 Hm 2 23.4.42

NOTE.—Contn. sheet

WD 06360—GPB—500—23-3-42

BKR 23.4.42

23.4.42

Mysore Motor Vehicles Drivers (Emergency) Act.

General and Revenue Secretariat R. A. & L. C.

File No. 1713/W of 194 795/R

App. F. III-2

Serial No.

DEWAN'S OFFICE
27. APR. 1942
NO. 9246

APR 27 1942
1177

41) The gracious assent of His Highness has been accorded on the 4th April 42 for the promulgation of this Measure.

Reference is invited to the Dewan's minute at para 19 of the Notes supra wherein he has ordered that the Act may be promulgated when the need for it arises.

It is for orders if the Act may be kept back ~~for issue~~ till the necessity for its issue is felt. The administration Section will be requested to intimate this and the Act will thereafter be issued.

Secy / RA&LC — 25.4.42

42) BDR 25.4.42

Asst Secy WM Section W.C.

1713/W

43) Now that the entire Bangalore area is treated as a threatened area & A.R.P. measures are being extended, it is for consideration if the Emergency Act may not be promulgated

25.4

44) Chief Secy

Law Secretary 26/4

45) 27/4

46) Dewan 28/4/42

Issue Secy 30.4.42 BDR 29.4.42 Reserve Section 25/4

CHIEF SECRETARY'S 25 APR. 1942 GOVT. OF MYSORE.

NOTE—Contn. Sheet.

Mysore Motor Vehicles (Drivers) Emergency Act, 1942

14

File No. 795/RL of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

48) Draft G.O directing the publication of the Mysore Motor Vehicles (Drivers) Emergency Act, 1942 as Act No XXI of 1942 is submitted for approval

49 Sm 7-5-42

Secy (A-Le)

1-5-42 BVN 1/5

50) BXR 1-5-42

Law Secy)

SECY. LAW DEPT. 1255 1 MAY 1942 GOVT OF MYSORE

51) H 2 1-5-42

DStne

52) BXR 4.5.42

Issued No RL 2393 Legis 53-41-1 dated 5-5-42 to the Compiler, Mysore Gazette - Directs the publication of the Mysore Motor Vehicles (Drivers) Emergency Act 1942

The notification has appeared in part IV of the Gazette dated 7th May 1942 on page 259

Kind reference is invited to paras 10 and 13 of the notes supra. Submitted for orders whether a similar Notification may be issued on the lines of the Madras Government Notification X

X Flag (E)

8-5-42 A copy of the Motor Vehicles (Drivers) Bill with a Statement of principles is put up for approval

8-5-42 BVN 8/5

(Continued in Legis 5-42-1

-495/42

Lot 2116

15

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F. 32-42/W

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

OFFICE OF THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Legis

CHIEF SECRETARY
20 FEB 19
GOVT. OF MYSORE.

Dated Bangalore, the 19th February *1942*

The Motor Vehicles (Drivers) Ordinance, 1942.

SIR,

I am directed to invite the attention of the Government of Mysore to the Motor Vehicles (Drivers) Ordinance, 1942, published in the Gazette of India, Extraordinary, dated the 27th January 1942.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

KRG

VN

REGISTERED No. L. 3131

BEN. & REV. SCOT.

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, TUESDAY, JANUARY 27, 1942

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

New Delhi, the 27th January, 1942

ORDINANCE No. V OF 1942.

AN

ORDINANCE

to provide for the requisitioning on behalf of Government of the services of persons capable of driving motor vehicles.

WHEREAS an emergency has arisen which makes it necessary to take powers to require persons capable of driving motor vehicles to place themselves and their services at the disposal of Government ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5. c. 2.), the Governor General is pleased to make and promulgate the following Ordinance :—

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Motor Vehicles (Drivers) Ordinance, 1942.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

Definiti

2. In this Ordinance unless there is anything repugnant in the subject or context,—

(*a*) " licensing authority " means a licensing authority appointed for the purposes of the Motor Vehicles Act, 1939 ;

IV of 1939.

(*b*) " motor vehicle " means any mechanically propelled vehicle adapted for use upon roads ;

(*c*) " Provincial Government " means, in relation to a Chief Commissioner's Province, the Chief Commissioner ;

(*d*) " transport vehicle " has the meaning assigned to that expression in the Motor Vehicles Act, 1939.

IV of 1939.

[*Price 1 anna.*]

Register of motor vehicle drivers.

3. (*1*) The Provincial Government may cause any licensing authority to prepare for the Province or for any area in the Province a register in which shall be entered the names of such persons within the Province or area, as the case may be, who are capable of driving a motor vehicle as the licensing authority may think fit to enter, together with such details of their qualifications as drivers as may be prescribed by rules made under section 8.

(*2*) The register shall show under separate headings those persons who are capable of driving a transport vehicle, and those persons who are not so capable.

(*3*) The licensing authority shall, on entering the name of any person in the register, send to that person a notice in writing informing him that his name has been entered in the register for the Province or area, as the case may be, stating whether he has been registered as capable of driving a transport vehicle or not, and informing him of the provisions of section 4 and section 5 of this Ordinance.

(*4*) The licensing authority may, for the purpose of preparing the register under sub-section (*1*), by notice in writing, call upon any person to furnish in accordance with the requirements of the notice any information relating to his qualifications as a driver of motor vehicles which may be required by such notice.

Power to requisition services.

4. (*1*) Any officer empowered in this behalf by the Provincial Government may, by order in writing delivered to any person whose name is enrolled in the register referred to in section 3, require him to present himself at such time and at such place and to such authority within the Province as may be specified in the order and to perform within the Province such services and for such time as may be so specified or as may be required of him by the authority to whom he has presented himself in pursuance of such order.

(*2*) An order under sub-section (*1*) may require a person to drive a motor vehicle notwithstanding that he is not licensed under the Motor Vehicles Act, 1939, IV of 1939. to drive a motor vehicle or a motor vehicle of the class to which the vehicle to be driven belongs, and nothing in section 3 of the Motor Vehicles Act, 1939, IV of 1939. shall apply to such person in respect of any motor vehicle driven by him in obedience to any such order.

Registered persons to notify changes of address, and obtain permission to leave area of registration.

5. Any person to whom the notice under sub-section (*3*) of section 3 is sent shall thereafter, on any change occurring in his address, at once report such change to the licensing authority, and shall not depart out of the Province or area, as the case may be, in which he is registered without first informing the licensing authority and receiving permission from that authority to depart.

Penalties.

6. (*1*) Whoever fails to comply with the requirements of any notice issued under sub-section (*4*) of section 3 or in purported compliance with any such notice knowingly or recklessly makes any untrue statement, or without reasonable excuse fails to report as required by section 5 any change occurring in his address, shall be punishable with fine which may extend to one hundred rupees.

(*2*) Whoever without reasonable excuse fails to comply with an order in writing made under sub-section (*1*) of section 4 or to perform in the manner required any service which he is required to perform in pursuance of such order or, in contravention of section 5, departs out of the area in which he is registered shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(*3*) Whoever being the employer of a person required by an order under sub-section (*1*) of section 4 to present himself for service does anything calculated to prevent

such person from or to obstruct such person in complying with the order shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Sanction for prosecutions.

7. No prosecution for an offence punishable under this Ordinance and no prosecution for an offence punishable under the Motor Vehicles Act, 1939 (IV of 1939), committed by a person who is for the time being acting in obedience to an order under sub-section (*1*) of section 4 of this ~~Ordinance~~, shall be instituted without the previous sanction in writing of the Provincial Government or of an authority authorised in this behalf by the Provincial Government.

Power to make rules.

8. (*1*) The Provincial Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(*2*) Without prejudice to the generality of the foregoing power, rules may be made providing for all or any of the following matters, namely :—

(*a*) the form of the register referred to in section 3, the principles to be followed in selecting names for entry therein, and the details to be recorded therein ;

(*b*) the form of any order in writing or notice in writing to be issued under this ~~Ordinance~~ ;

(*c*) the payment of persons whose services are requisitioned under this Ordinance for the services rendered.

LINLITHGOW,
Viceroy and Governor General.

NEW DELHI ;
The 24th January, 1942.

G. H. SPENCE,
Secy. to the Govt. of India.

FINANCE DEPARTMENT

NOTIFICATION

New Delhi, the 27th January 1942

No. D/732-B/42.—It is notified for general information that with effect from the 2nd February 1942, the prices at which the 3 per cent. Loan, 1949-52, announced in the Government of India, Finance Department Notification No. D.-486-B/41, dated the 25th January 1941, will be issued are as follows :—

Issue price on any date from the—	Price per Rs. 100 nominal. Rs. a. p.
2nd February 1942 to the 7th February 1942 . . .	100 0 0
9th February 1942 to the 14th February 1942 . .	100 0 9
16th February 1942 to the 21st February 1942. . .	100 1 6
23rd February 1942 to the 28th February 1942 . .	100 2 3

and thereafter at prices increasing by 9 pies per cent. weekly until further notice.

By order of the Governor-General in Council,

C. E. JONES,
Secretary to the Government of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.

Letter No.21368/YY/Q dated Feb 42 from H.Q. Southern Comd. to H.Q. Madras District.

Subject: TRANSPORT - REQUISITIONING.

In the event of operational requirements it may be necessary to requisition at short notice on a large scale, M.T. vehicles and drivers. The intention is to use such transport for schools of instruction and similar institutions, using it to replace transport which will be withdrawn from such schools, etc. for operational purposes.

2. The possibility of using requisitioned transport and drivers for this latter purpose has also to be considered.

3. The matter should be discussed with your civil authorities, and provisional arrangements worked out for the collection of transport and drivers should it become necessary to requisition same in order that there should be no delay in getting these into use immediately they are required..

MOST SECRET.

No.9036/x/Q.1
H.Q. Madras District.
Bangalore 26 Feb 42.

To
Chief Secy to Madras Govt.
Commissioner of Police C & M Stn., Bangalore.
I.G. of Police, Mysore.
Secry. to the Hon'ble the Resident.

Subject:- TRANSPORT - REQUISITIONING.

The D.O.M.E. of this H.Q. has been authorised to discuss the matter with the Civil authorities at Bangalore and Madras and will get in touch with them on the matter.

Sd. John Stubbs,
Major
For A.A. & Q.M.G.

"copy"

Heaches

For Inspector-General of Police.

TO MOTOR OWNERS

Notification of Address and Movement of Vehicles

MADRAS, Feb. 24.

Further to the notification which was published yesterday the Government of Madras have issued the following notification in an extraordinary issue of the Fort St George Gazette:

In exercise of the powers conferred by sub-rule (2) of rule 89 of the Defence of India Rules, His Excellency the Governor of Madras is hereby pleased to make the following order:

Present Address

1. (a) Every owner of a motor vehicle, whose permanent address on March 1, 1942 is different from that recorded in the certificate of registration of the vehicle, shall, on or before March 4, 1942, report his new address to the Secretary of the Road Traffic Board of the district in which such address is situated and shall send to the said Secretary the certificate of registration of the vehicle for the purpose of recording such new address. He shall also forward a copy of the report to the Secretary of the Road Traffic Board of the district in which the vehicle was registered if the new address is in a different district.

The report referred to above shall specify the address at which the vehicle is normally kept if such address is different from that of the owner.

(b) If the owner's address on March 1, 1942, remains the same as that recorded in the certificate of registration but his vehicle is normally kept at a different address, he shall on or before March 4, 1942 report the address at which the vehicle is normally kept to the Secretary of the Road Traffic Board in which that address is situated.

Changes of Address

2. Where the owner of a motor vehicle changes his permanent address after March 1, 1942, he shall within 24 hours of the change report his new address to the Secretary of the Road Traffic Board of the district in which such address is situated and shall send to the said Secretary the certificate of registration of the vehicle for the purpose of recording such change of address. He shall also forward a copy of the report to the Secretary of the Road Traffic Board of the district in which the vehicle was registered if the new address is in a different district.

The report referred to above shall specify the address at which the vehicle is normally kept if such address is different from that of the owner's.

Movements of Vehicles

3. (a) If a motor vehicle is, after March 1 1942, removed from the address at which it is normally kept, the owner shall immediately report its removal to the Secretary of the Road Traffic Board of the district in which such address is situated, and shall give a statement showing the probable movements of the vehicle and the probable date of its return.

Provided that no report need be sent under this clause if it is reasonably certain that the vehicle will return to its normal address within 10 days.

(b) If an owner who has not sent a report in view of the proviso to sub-clause (a), finds that owing to unforeseen circumstances the vehicle will not return to the address at which it is normally kept within 10 days, he shall, not later than the 10th day of its removal from such address, report the removal to the Secretary of the Road Traffic Board of the district in which such address is situated together with a statement showing the probable movements of the vehicle and the probable date of its return.

Submitted for perusal
Chief Secy) 25/2

25 FEB. 19 ... OF MYSORE.

Law Minister 25/2

Please Consult Lgt if we need such an order. If not required even, he will kindly keep note for submission to Govt when he finds next

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 2393 Legis 53-41-1 Dated, Bangalore, 5th May 1942

Ordered that the accompanying Mysore Motor Vehicles (Drivers) Emergency Act, 1942

which received the assent of His Highness the Maharaja, on the 4th day of April 1942, be published as Act No. XXI of 1942, in the *Mysore Gazette*, for general information.

4/5/42.

~~General~~ Secretary to Government.
~~By~~ Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Rh 2393 Legis 53-41-1 Dated, Bangalore, 5th May 1942

Ordered that the accompanying Mysore Motor Vehicles (Drivers) Emergency Act, 1942

which received the assent of His Highness the Maharaja, on the 4th day of April 1942, be published as Act No. XXI of 1942, in the *Mysore Gazette*, for general information.

5/5/42
General Secretary to Government.
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

To,
The Translation Section

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL.2393 Legis 53-41-1

Dated, Bangalore, 5th May 1942.

Ordered that the accompanying Mysore Motor Vehicles (Drivers) Emergency Act, 1942, which received the assent of His Highness the Maharaja, on the 4th day of April 1942, be published as Act No. XXI of 1942, in the Mysore Gazette for general information.

5/5/42

Secretary to Government,
Law Department.

To--The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

To--The Translation Section, General & Revenue Secretariat Bangalore.

HKR/8.

The Daily Post

(FOUNDED 1873)

SATURDAY EVENING

Mysore Motor Vehicles (Drivers) Bill

Over this bill, on Wednesday, the Government of Mysore sustained its first reverse of the 1942-43 Budget Session, the Muslim and Congress Parties opposing the measure on two grounds—the rigorous nature of some of the clauses, and the idea of conscription crystallised by the bill. The bill, of course, is a conscriptive measure, in a sense; all such measures must needs be in times of stress and emergency. But, even a conscriptive measure, designed in the interests of the State as a whole, including the followers and adherents of the very Parties which sabotaged the bill, deserves better than to be thrown out on to the scrap heap.

In opposing and finally defeating the bill, the Muslim and Congress Parties reveal an admirable adherence to idealistic principles, but a regrettable and singularly inept appreciation of realities. Their attitude may even be described as wilfully obstructive.

Even the Law Member's assurances, that the bill was essentially a war measure, and that it would remain on the State's Statute Book only for the duration of the war; that its several provisions would not be arbitrarily enforced or indiscriminately or harshly imposed and operated, failed to mollify the opposition, in whom was to be found no trace of "sweet reasonableness." They went into the Lobby—if that is the procedure of the Assembly—and overwhelmed the Government by 51 votes.

The bill provided for the requisitioning of persons capable of driving motor vehicles, and empowered certain specified officers of the Government to require—not immediately, not at any time, but only when an emergency arose—persons capable of driving motor vehicles to place themselves and their services at the disposal of the Government not for nothing, but for remuneration.

The bill having been refused entry on the State's Statue Book, the Government will now have to continue to make use of the Emergency Act—not a wholly desirable method—to enable it to do its duty by the people in any emergency that may raise, and so provide for the probable requirements of the A R P and of the Police, and for other possible requirements of the State in connexion with the war. The Government might consider using the National War Front movement to help in this matter, through it call for volunteers, and maintain a register of such people.

OFFICE OF THE SECRETARY
DEC 1942
REPRESENTATIVE ASSEMBLY

Submitted for perusal.
(Thick Leaders)
8/6/42

1248 RL

Law Dept 8/6/42

Law Member 9/6

WDJ 15.6

BXR 15.6.42

Please keep this in Confidential file.

NOTIFICATION.

Order No. R. L. 2393—*Legis.* 53-41-1, *dated Bangalore the 5th May* 1942.

Ordered that the accompanying Mysore Motor Vehicles (Drivers) Emergency Act, 1942, which received the assent of His Highness the Maharaja, on the 4th day of April 1942, be published as Act No. XXI of 1942, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXI OF 1942.

MYSORE MOTOR VEHICLES (DRIVERS) EMERGENCY ACT, 1942.

(*Received the assent of His Highness the Maharaja on the 4th day of April 1942.*)

(An Act to provide for the requisitioning on behalf of Government of the services of persons capable of driving Motor Vehicles.)

WHEREAS the Government of His Highness the Maharaja is satisfied that an emergency has arisen which makes it necessary to take powers to require persons capable of driving motor vehicles to place themselves and their services at the disposal of the Government;

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 31 of the Government of Mysore Act 1940 (XVIII of 1940);

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Motor Vehicles (Drivers) Emergency Act, 1942. **Short title, extent and commencement.**

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context :—

(*a*) "licensing authority" means a licensing authority appointed for the purposes of the Mysore Motor Vehicles Act, 1928 ;

(*b*) "motor vehicles" means any mechanically propelled vehicle adopted for use upon roads;

(*c*) "transport vehicle" means a public service vehicle, a goods vehicle, a locomotive or a tractor other than a locomotive or tractor used solely for agricultural purposes ;

(*d*) "public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, and stage carriage ;

(*e*) "goods vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers ;

(*f*) "locomotive" means a motor vehicle which is itself not constructed to carry any load (other than equipment used for the purpose of propulsion), the unladen weight of which exceed 16,000 pounds avoirdupois, but does not include a road-roller ;

(*g*) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion) the unladen weight of which does not exceed 16,000 pounds avoirdupois, but excludes a road-roller;

(*h*) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than six passengers excluding the driver, for hire or reward ;

(*i*) "contract carriage" means a motor vehicle which carried a passenger or passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum

and from one point to another without stopping to pick up or set down along the line of route passengers not included in the contract; and includes a motor cab notwithstanding that the passengers may pay separate fares;

explanation—"contract carriage" does not include a motor vehicle, possession of which has been temporarily transferred in accordance with an express agreement of hire or use as a private vehicle and which is used in accordance with the terms of such agreement;

(*j*) "stage carriage" means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey.

Register of Motor vehicle drivers.

3. (1) The Government may cause any licensing authority to prepare for Mysore or for any area in Mysore a register in which shall be entered the names of such persons within Mysore or area, as the case may be, who are capable of driving a motor vehicle as the licensing authority may think fit to enter, together with such details of their qualifications as drivers as may be prescribed by rules made under section 8.

(2) The register shall show under separate headings those persons who are capable of driving a transport vehicle, and those persons who are not so capable.

(3) The licensing authority shall, on entering the name of any person in the register, send to that person notice, in writing, informing him that his name has been entered in the register for Mysore or area, as the case may be, stating whether he has been registered as capable of driving a transport vehicle or not, and informing him of the provisions of section 4 and section 5 of this Act.

(4) The licensing authority may, for the purpose of preparing the register under sub-section (1), by notice, in writing, call upon any person to furnish, in accordance with the requirements of the notice, any informntion relating to his qualifications as a driver of motor vehicles which may be required by such notice.

Power to requisition services.

4. (1) Any officer empowered in this behalf by the Government may, by order, in writing, delivered to any person whose name is enrolled in the register referred to in section 3, require him to present himself at such time and at such place and to such authority within Mysore as may be specified in the order and to perform within Mysore such services and for such time as may be so specified or as may be required of him by the authority to whom he has presented himself in pursuance of such order.

(2) An order under sub-section (1) may require a person to drive a motor vehicle notwithstanding that he is not licensed under the Mysore Motor Vehicles Act, 1928, to drive a motor vehicle or a motor vehicle of the class to which the vehicle to be driven belongs, and nothing in section 6 of the Mysore Motor Vehicles Act, 1928, shall apply to such person in respect of any motor vehicle driven by him in obedience to any such order.

Registered persons to notify changes of address and obtain permission to leave area of registration.

5. Any person to whom the notice under sub-section (3) of section 3 is sent shall thereafter, on any change occurring in his address, at once report such change to the licensing authority, and shall not depart out of Mysore or area, as the case may be, in which he is registered without first informing the licensing authority and receiving permission from that authority to depart.

Penalties.

6.—(1) Whoever fails to comply with the requirements of any notice issued under sub-section (4) of section 3 or in purported compliance with any such notice knowingly or recklessly makes any untrue statement, or without reasonable excuse fails to report as required by section 5 any change occurring in his address shall be punishable with fine which may extend to one hundred rupees.

(2) Whoever without reasonable excuse fails to comply with an order, in writing, made under sub-section (1) of section 4 or to perform in the manner required any service which he is required to perform in pursuance of such order or in contravention of section 5, departs out of the area in which he is registered shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) Whoever being the employer of a person required by an order under sub-section (1) of section 4 to present himself for service does anything calculated to prevent such person from or to obstruct such person in,

complying with the order shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Sanction for prosecutions.

7. No prosecution for an offence punishable under this Act and no prosecution for an offence punishable under the Mysore Motor Vehicles Act, 1928, committed by a person who is for the time being acting in obedience to an order under sub-section (1) of section 4 of this Act, shall be instituted without the previous sanction in writing of the Government or of an authority authorised in this behalf by the Government.

Power to make rules.

8. (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules may be made providing for all or any of the following matters, namely :—

(*a*) the form of the register referred to in section 3, the principles to be followed in selecting names for entry therein, and the details to be recorded therein ;

(*b*) the form of any order in writing or notice in writing to be issued under this Act ;

(*c*) the payment of persons whese services are requisitioned under this Act for the services rendered.

N. MADHAVA RAU,

Dewan.

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